

ATTACHMENT 5
W81GYE-06-R-0013

DEFINITIONS: As used throughout this Contract, the following terms shall have the meaning as set forth below:

Administrative Contracting Officer (ACO)

Is a warranted CO who is responsible for, but not limited to the following: appoint and train the Contracting Officer Representative (COR), issue administrative modifications, analyze Contractor claims, evaluate the Contractor's performance, and provide reports on the Contractor's performance to the CO.

Agreement

See Contract.

Available for Onward Movement

Container/Chassis is ready to be hooked to a tractor, fully operational and ready to meet all road and safety requirements, including operable lights, brakes and support equipment.

Booking

Offer by the Government and acceptance by the Contractor for the transportation of goods pursuant to the applicable rates, terms and conditions of the subject contract.

Breakbulk/RORO Cargo

All cargo that is not Containerizable.

Bulk Cargo

Dry or Liquid Cargo which is not subject to mark or count, shipped in fluid or loose state and not packaged for ocean carriage in any manner, such as grain, ore, coal, chemicals, oil, liquid latex, etc.

Car Carrier

A trailer of open framework designed for carriage of automobiles or other unboxed vehicles.

Carrier

Any Carrier awarded a Contract pursuant to this solicitation, including its agents and subcontractors. The term "Carrier" is used interchangeably with the term "Contractor."

Chassis

A platform equipped with running lights and front/rear end pintail couplings on which a container is placed and locked for transport.

Commercial Zone

The pickup and delivery limits of cities, ports and municipalities in the United States as defined by the Surface Transportation Board (STB) and published in 49 CFR Part 1048, on the date service is provided by the Carrier.

Consolidation

Practice of consolidating many less-than-container load cargo in order to make container load movements.

Container

A cargo conveyance which confines and protects the cargo from loss or damage, can be handled in transit as a unit and can be mounted and secured in or on marine, rail or highway equipment.

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Common types of containers are: weatherproof, (dry closed, refrigerated, tank, high cube) non weatherproof, (open top, flat racks).

Container Detention (see detention)

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Contract

This document which contains the contractual terms pursuant to which a Carrier agrees to accomplish transportation of such lawful cargo as may be tendered by the Government.

Contracting Officer (CO)

A CO within the scope of that definition in Federal Acquisition Regulation 52.202-1, who has been appointed or designated as such by the PARC, HQ SDDC. (See Procurement Contracting Officer)

Contracting Officer Representative (COR)

Appointed in writing by the CO. Responsible for, but not limited to, the following: monitors the Contractor's performance in accordance with the terms and conditions of the contract, ensures Contractor's compliance with reporting requirements, provides data for Government reports, verifies/certifies services and conducts initial review of Contractor's claims.

Continental United States (CONUS)

Forty-eight (48) contiguous states of the United States of America.

Cutoffs

Local Cutoffs - The date and time publicly established by the Carrier when the cargo must be tendered to the Carrier at its terminal facility, or to the Carrier's agent to meet the requirement for lift from the inland origin of the cargo.

Vessel Cutoffs - The date and time publicly established by the Carrier when the cargo must be tendered to the Carrier at its terminal facility, or to the Carrier's agent to meet the requirement for lift to the booked vessel.

Dead Freight

Liability to pay for space booked but not used.

Deck Cargo

Includes all cargo stowed in open spaces on deck except Hazardous Cargo, which, in accordance with U.S. Coast Guard rules, must be stowed on deck.

Defense Table of Official Distances (DTOD)

The distance source for all rates, standards, or charges which require a point to port, port to point or point-to-point distance. DTOD is published by ALK Associates of Princeton, NJ. PC*Miler is their commercial, DTOD compliant product.

Detention

Charges assessed against the Government for delaying the release of Carrier equipment beyond allowed free time (See also Container Detention).

Diversion

To change the booked destination of a loaded container/trailer after transit has commenced, but before the container has commenced final drayage/linehaul from the port of discharge.

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Drayage

The movement of cargo/container between the Carrier's terminal at the port where the cargo/container is loaded to or discharged from the vessel and another place within the commercial zone or modified zone of that United States port city or within a ten (10) mile radius of that city's limits, by means other than the Carrier's principal vessels, such as by highway or railway. **Driver Standby Time**

The period of time that the inland participating cargo carrier (truck driver) waits with the container during a split pick-up/delivery service.

Dry Container

A completely enclosed weatherproof container.

Explosives

Includes all military explosives (IMO Class 1.1, 1.2, 1.3), military lethal chemicals, and other items included in Title 49 Code of Federal Regulations, Part 171 et seq (CFR et seq).

FEU

Forty (40) foot equivalent unit.

Flat rack Container

A container without weatherproof sides and/or top. Includes flat racks with rigid or collapsible ends. They can be end loaded, top loaded or side loaded.

Free-In-Out

When cargo is booked as Free-in free out the Government will bring the cargo into the vessel, stow it and/or trim it, lash or secure it (Free-in) and take it from the vessel and discharge it (Free-out) free of any expense, risk/liability to the contactor.

Futile Effort

The good faith effort of a Carrier to accept cargo which is futile due to fault of the Government. Does not include the instance in which the Carrier spots a container for a particular booking which does not materialize, but is able to utilize the spotted container for another booking without returning the container to its place of origin.

General Cargo

All dry cargo other than refrigerated cargo and vehicles. Dry cargo refers to shipments of straight or mixed loads of the commodities listed in the Military Standard Transportation and Movement Procedures including hazardous cargo and Class I lethal chemicals (See "Explosives" in this attachment for the reference citing the classes of lethal chemicals).

Government

The United States Government, its agents and Contractors, party to this Contract, and the Consignees, their agents and Contractors unless used in a context to refer to another Government such as a foreign or local government. Does not include Contractors party to this Contract. Ordering activities authorized under this Contract are included.

Heavy Vehicles

Break bulk/RORO cargo – Wheeled or tracked vehicles (unboxed) exceeding 10,000 lbs per unit.

Hazardous Cargo

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A substance or material including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce and which has been so designated.

K-Term

A container booking wherein the ocean Carrier accepts or terminates responsibility at the terminal. The Government is responsible for having the cargo or container either moved to and/or removed from the Carrier's terminal i.e., **pier-to-pier service**.

Light Vehicles

Break bulk/RORO cargo – Wheeled or tracked vehicles (unboxed) up to and including 10,000 lbs per unit.

Linehaul

The movement of a container between the Carrier's terminal at the port where the container is loaded to or discharged from the vessel and another place outside the commercial zone or modified zone of that United States port city or beyond a ten (10) mile radius of the city limits by means other than the Carrier's principal vessels, such as by highway, railway, canal or river, or in specific instances by ferry or barge system.

Liner Terms

The Carrier assumes all responsibilities and cost for the cargo from the port or point where the cargo is receipted for by the Carrier to the destination port or point where the Carrier makes the cargo available to the consignee.

Loading

The physical movement of cargo/container from the pier to place of stowage on board a vessel.

M Term

The Carrier assumes all responsibilities and cost for the cargo from the point where the cargo is receipted for by the Carrier to the destination point where the Carrier makes the cargo available to the consignee i.e., door-to-door service.

Measurement Ton (MT)

Forty (40) cubic feet or 2,240 lbs., whichever will generate the highest tonnage units and revenue when applied to the dimensions and weight of cargo.

Military Surface Deployment and Distribution Command (SDDC)

Commander, Military Surface Deployment and Distribution Command, Office of the Principal Assistant Responsible for Contracting, Transportation Acquisition Division (MTAQ-JI), appointed and designated as the CO.

MILSTAMP

Military Standard Transportation and Movement Procedures.

No Show

Booked cargo that is not available for lift on board the scheduled vessel sailing through no fault of the Contractor and which was not timely cancelled.

Open Top Containers

A Container without a permanently affixed metal top. Top is a removable tarpaulin, which is supported by roof bows.

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Ordering Activity

Includes the Commander, Deployment Support Command or his/her designee, and Military Surface Deployment and Distribution Command, or his/her designee, and other agencies as designated.

Ordering Officer (OO)

Appointed by the Chief of Acquisition, SDDC, with a copy provided to the Carrier. Responsible for, but not limited to, the following: books cargo and issue shipping orders, samples bookings for low cost, monitors cargo allocation, recommends addition/deletion of routes/services, authorizes substitution of equipment and authorizes staging.

Over-Dimensional Cargo

Cargo that when booked to be shipped as container cargo where any one dimension exceeds any external container dimension of eight (8) feet wide or eight (8) feet six (6) inches high but does not exceed the following maximum dimensions:

Maximum Dimensions			
Weight	Length	Width	Height
44,000 lbs.	40 feet	11 feet	11 feet

Oversized Container Cargo

Cargo which when stowed aboard a cellular container ship would require more space than the space needed to load a forty (40) feet long, eight (8) feet six (6) inches high, eight (8) feet wide dry container; i.e., would require more than one (1) container space of this size. Exceptions to this definition are described as "Over Dimensional Cargo."

Oversized Breakbulk Cargo

Cargo that has any one dimension over fifty (50) feet long, more than eleven (11) feet wide or over eleven (11) feet high, or as determined by the OO, requires special handling equipment for loading aboard or discharging from a vessel because of that cargo's atypical size. All wheeled or tracked vehicles regardless of size are excluded from this definition. Extra length charges are not applicable to cargo defined as oversized cargo.

Personal Property

Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling.

Place Designated By The CO

Places within the commercial zone of United States ports or inland cities, and places within a ten (10) mile radius of the city limits of any U.S. port or inland city or limits of other places designated in the Schedule of Rates.

Protected Stow

The placement of cargo in a manner, which can be stowed either above or below deck that will protect the cargo from wind, water, and other damages associated with the weather and sea.

Receiving Activity

Place, other than the Carrier's terminal, designated by the OO for receipt of cargo/containers from the Carrier for stuffing or unstuffing.

Refrigerated Container

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A weatherproof container used for the carriage of controlled temperature cargo which is properly insulated against the effects of temperature outside the container and is equipped with mechanical, thermostatically temperature controlled air circulation or air exchange cooling equipment with venting capability capable of providing temperature protection to cargo, between seventy five (75) degrees and minus ten (-10) degrees Fahrenheit. Further definition is as follows:

Non-Self-Sustaining. A refrigerated container, which requires a power or fuel source, not mounted on the refrigerator or its chassis, to operate the refrigeration unit.

Self-Sustaining. A refrigerated container which does not need an external power or fuel source, and upon which a self-contained power unit is mounted, either on the container or its accompanying chassis. The container is self-sustained only while the power unit and its fuel source are mounted.

Regularly Scheduled Sailings

Sailing at regular intervals maintained between the same port ranges and consisting of regular arrivals and departures along an established route. which will provide predictable Liner type service

Required Delivery Date (RDD)

A date established by the application of the standards in the contract when cargo must be delivered by the Contractor. RDDs will not require delivery in less time than the standard, unless mutually acceptable between the OO and the Contractor in the booking.

Re-routing

To change the booked destination of a loaded container after final drayage/linehaul has commenced from the port of discharge. Short stop, stop-off, and re-spot shall not be considered rerouting regardless of when they occur.

Re-spot

To move a container from the initial point of delivery within a facility to another point within that facility. Requiring the carrier to return to the consignee's initial delivery point. Such practices should be monitored by the COR to discourage habitual reoccurrences.

Schedule

Where used, this term refers to the items listed in the CARES II SM tables as noted in the CLIN description. These tables contain the rates approved for use with this contract.

Short Stop

To stop a stuffed container at the Carrier's terminal where the Government elects to take delivery.

Shut out

Cargo that is available for stevedoring but unable to be loaded on board the vessel to which it is booked, due to operational circumstances or overbooking of the vessel.

Split Pick-Up/Delivery

The subsequent movement of a conveyance from one load/off-load station within a facility to another load/off-load station within that same facility for additional stuffing and/or stripping.

STB

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Successor Agency to the Interstate Commerce Commission and Commission Termination
Successor Agency to ICC, the agent of Congress designated to implement the Interstate
Commerce Act which when requested will investigate rate reasonableness, rules, and practices of
rail transportation lines engaged in interstate traffic, motor Carriers, common and contract water
Carriers operating in domestic trade, and freight forwarding companies.

Stop-Off

Stopping a container en route at a place designated by the OO for additional stuffing/un-stuffing.

Stripping

The process of unloading a container.

Stuffing

The placement of cargo into a container including any necessary chocking, bracing, or
dunnaging.

Swing Cargo

Cargo, which may be Containerizable or shipped breakbulk/RORO.

TEU

Twenty (20) foot equivalent unit. A method of quantifying the number of ocean containers. For
example, one (1) twenty (20) foot container equals one (1) TEU and one (1) forty (40) foot
container equals two (2) TEUs.

Working Day

Excludes weekends and locally observed holidays.